

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	John Brownlie et al.)	Examiner: Unknown
)	
Serial No.:	10/522,513)	Art Unit: 1653
)	
Filed:	January 27, 2005)	
)	
I.A. Filing Date:	July 1, 2003)	
)	
CANINE RESPIRATORY CORONAVIRUS (CRCV))			
SPIKE PROTEIN, POLYMERASE AND)			
HEMAGGLUTININ/ESTERASE)			

**SECOND REQUEST FOR RECONSIDERATION OF DECISION ON PETITION TO
WITHDRAW HOLDING OF ABANDONMENT**

Mail Stop PCT

Attn: Office of PCT Legal Administration
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

For the reasons set forth below, Petitioner respectfully requests reconsideration of the Decisions On Petition to Withdraw Holding of Abandonment dated December 1, 2006 and August 25, 2006 in the above-identified application.

As stated in MPEP 711.03(c):

"To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must (1) include a statement from the practitioner stating that the Office communication was not received by the practitioner and (2) attesting to the fact that a search of the

file jacket and docket records indicates that the Office communication was not received. (3) A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action." (Numerals 1, 2 and 3 added for emphasis).

In regard to Item (1) of the required showing set forth above, Petitioner submits that it has included a statement that the Office Action was not received by the Practitioner. In particular, Petitioner previously stated that "[a] search of the file jacket and docket record for the subject application indicates that said Notification was never received by the Attorneys of Record, Jaeckle Fleischman & Mugel, LLP (JFM)." *See* Petition, pg. 2, 1st ¶. The Decision dated December 1, 2006 indicates that Item (1) has been satisfied. *See Decision dated December 1, 2006*, pg. 2.

In regard to Item (2), Petitioner hereby states that a search was conducted of the file jacket and of JFM's docket records for the date that a response to the Notification of Defective Response ("Notice") was due (i.e., March 7, 2006). The result of said search indicates that the Notice was not received at the correspondence address of record on or before the deadline of March 7, 2006. Petitioner hereby submits that Item (2) is now satisfied.

In regard to Item (3), Petitioner has submitted herewith a true copy of JFM's docket records for the date that a response to the Notice was due (i.e., March 7, 2006). *See Exhibit A*. The docket report generated by JFM's docketing system as provided in Exhibit A shows all applications for which a response or other action was due on March 7, 2006. As can be seen in

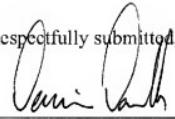
Exhibit A, the docket report does not contain the due date for a response to the Notice for the subject application. If Petitioner had received the Notice mailed on February 7, 2006 on or before the deadline of March 7, 2006, the subject application would have appeared on the docket report in Exhibit A having an entry listed under the "Actions Due" column showing a response due for the Notice with a deadline of March 7, 2006 listed under the "Due Date" column. Since a deadline to respond to the Notice does not appear on the docket report in Exhibit A, Petitioner submits that the Notice had not been received by Petitioner on or before the deadline of March 7, 2006.

In view of the above, Petitioner submits that a proper showing of Items (1), (2) and (3) has been made, thereby establishing non-receipt of the Notification of Defective Response mailed by the U.S. Patent Office on February 7, 2006 on or before the deadline of March 7, 2006. Accordingly, second reconsideration and grant of the Petition filed on June 2, 2006 is respectfully requested.

Petitioner does not believe that any fee is due at this time. However, the Commissioner is hereby authorized to charge any additional fee that may have been overlooked to Deposit Account No. 10-0223.

Date: 12/13/06

Respectfully submitted,



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Exhibit A

